

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**WALTER GUY  
TDCJ-CID #10029578**

**VS.**

**P.A. BRIONES, ET AL.**

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**C.A. NO. C-07-473**

**ORDER DENYING PLAINTIFF'S  
MOTION TO VACATE JUDGMENT**

Pending is plaintiff's motion to vacate judgment. (D.E.73). Plaintiff requests that the May 14, 2008, judgment granting the plaintiff's complaint and denying the defendant's answer be vacated (D.E. 73). There has never been a judgment granting the plaintiff's complaint and denying the defendant's answer. The May 14, 2008 "judgment" which plaintiff seeks to vacate is simply an order setting deadlines for purposes of case management. (See D.E. 34). For example, the Order Setting Deadlines ended discovery on September 15, 2008. Id. at ¶ 1. Experts witnesses were to be designated by July 31, 2008. Id. ¶ 2. The parties have until September 22, 2008 to file dispositive motions, with responses due thirty days thereafter. Id. ¶ 3. Should plaintiff need additional time for discovery matters, he should simply file a motion to extend time.

No judgment has been entered that can be vacated. Accordingly, plaintiff's motion to vacate judgment, (D.E. 73), is DENIED.

ORDERED this 16<sup>th</sup> day of September, 2008.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE